IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 33437 of 2006(E)

PETITIONER:

G. SUDHEER BABU,
MEMBER, WARD NO.IX, ELAMPALLOOR GRAMA PANCHAYAT,
ELAMPALLOOR P.O., RESIDING AT SUDHEER SADANAM,
PERUMBUZHA P.O., PIN-691 504.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE DEPUTY DIRECTOR OF PANCHAYAT,KOLLAM.

4. ELAMPALLOOR GRAMA PANCHAYAT(SPL.GRADE),
ELAMPALLOOR, KUNDARA P.O., KOLLAM, REP. BY ITS
SECRETARY.

5. THE PANCHAYAT COMMITTEE,
ELAMPALLOOR GRAMA PANCHAYAT (SPECIAL GRADE),
ELAMPALLOOR, KUNDARA P.O., KOLLAM, REP. BY ITS
PRESIDENT SRI.SURENDRAN PILLAI.

6. MUKATHALA BLOCK PANCHAYAT,
MUKATHALA P.O., REP. BY ITS SECRETARY.

R1 TO R3 BY ADV. SRI.MATHEWG. VADAKKEL, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 33437 OF 2006

Dated this the 15th day of December, 2006

JUDGMENT

Sri.Mathew G. Vadakkel, Government Pleader takes notice on behalf of 1st respondent-State.

2. I do not propose to consider the merits of the grounds raised but Ext.P5 complaint is seen pending before the 2nd respondent-District Collector. Counsel for the petitioner submits that in the preliminary enquiry conducted by the District Collector on Ext.P5, it was revealed that the grounds raised are correct but the District Collector is unable to take final decision for want of report from the District Planning Officer.

The Writ Petition accordingly will stand disposed of directing the District Collector to take a final decision on the issue with notice to the petitioner and to all concerned respondents and also the beneficiaries of the impugned order. Decision as directed above will be taken by the District Collector at his earliest and at any rate within one month of receiving copy of this judgment together with copy of this Writ Petition with all the exhibits. Till such time as the District Collector takes a decision on Ext.P5, no amounts will be disbursed to the persons whose names are shown in Exts.P2 and P3.

PIUS C. KURIAKOSE, JUDGE

btt